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REMARKS

In the above referenced Office Action, claims 10-13 were rejected under 35 USC 102(b) based upon the Arai reference and claims 14-15 were rejected under 35 USC 103(a) based on Arai and Jang. Applicant respectfully traverses these rejections.

As the Examiner is well aware, a proper rejection under 35 USC 102 requires a reference to teach each and every element of the claims. Contrary to the Examiner's assertion Arai has nothing whatsoever to do with designing a surgical instrument; does not create a model of an instrument and use it, change the model of the instrument and use the changed version in the simulation. As such, the rejection is improper and must be withdrawn.

The presently claimed invention, in certain embodiments, relates to simulated usage of new surgical instruments in a simulation environment. Thus, the devices can be "made", tested and modified in the simulation. If desired, the device can then be manufactured and used.

Arai deals exclusively with the concept of creating a simulation environment. While a surgical instrument is simulated, it is based entirely on a pre-existing and actual surgical instrument and once created is static. Thus, the Arai device is meant to simulate the use of a known device in an artificial environment for training as opposed to designing, modelling and testing of simulated surgical instruments is a simulation of the real environment.

The Examiner has asserted, without further support or explanation, that paragraphs 4 and 5 on pages 103 and 104 provide support for anticipating the claims. These sections simply explain how the simulator is used; there is no teaching that a surgical device is designed, used, changed and then used again. Manipulation of the Arai simulated device in the simulated environment (e.g., moving through a "vein" or turning the device) does not constitute changing the computer model of the device. As the Arai device is used exclusively for training on existing surgical instruments, there is no teaching or motivation to modify the simulated instrument. Likewise, there is no motivation to combine the reference with Jang other than impermissible hindsight. That is, the Arai device simulates

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the use of a known device; there is no reason to then use the simulation to go back and remanufacture the device.

The claims are not anticipated nor rendered obvious by the reference of record. A notice of allowance is respectfully requested.

Respectfully submitted,

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